

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 8-12 and 17-23 remain active in the application subsequent to entry of this Amendment. Claims 13-16 and 24-26 have been canceled in order to reduce issues and advance examination.

Submitted herewith is a Terminal Disclaimer in respect of U.S. patent 6,835,408, the parent of the present application. This resolves the non-statutory obviousness-type double patenting rejection stated on page 2 of the Official Action.

Claims 8-24 (claims 8-12 and 17-23) remain as being "obvious" over the parent of the present application U.S. 6,835,408. The Official Action establishes that claims 8-12 and 17-23 are "not identical" to claims 1-7 of U.S. 6,835,408. However, what is identical is the following: the same four inventors are listed; this application is assigned to the assignee of U.S. 6,835,408; this application claims benefit of two Japanese applications filed November 13, 1998 and February 6, 1999 as does U.S. 6,835,408; and this application was filed prior to the issue date of U.S. patent 6,835,408. The Official Action indicates that U.S. 6,835,408 "qualifies as prior art under another sub-section of 35 USC §102" but does not identify the relevant sub-section, if any exists. It is not available as prior art because the commonality of priority dates and beneficial U.S. filing dates. Co-pendency exists between the prior application and the present one thus U.S. 6,835,408 forms no basis for rejecting the claims under 35 USC §103. Reconsideration and withdrawal of this rejection is requested.

The separate rejections directed to claims 13-16 and 24-25, as stated on page 4 of the Official Action, are no longer relevant as these claims have been canceled.

Reconsideration and allowance are solicited.

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Respectfully submitted,

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